

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Joar Opheim	Confirmation No.:	1343
Serial No.:	10/646,898	Art Unit:	1611
Filed:	August 22, 2003	Examiner:	Ghali, Isis A. D.
For:	FLAVORED GELATIN CAPSULE AND METHOD OF MANUFACTURE	Attorney Docket No.:	12098-012-999

**DECLARATION OF JOAR OPHEIM UNDER 37 C.F.R. § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Joar Opheim, a citizen of Norway and residing in Aptos, California, hereby declare that:

1. I am the inventor of the instant patent application and the Chief Executive Officer of Nordic Naturals, Inc., the Assignee of the present patent application.
2. In my Declaration dated September 21, 2006, filed September 25, 2006, in connection with the present application, I provided figures for sales of, *inter alia*, flavored and unflavored gelatin capsules containing fish oil. The flavored gelatin capsules for which sales figures were provided contain gelatin, capsule softener present in an amount of approximately 30-32% water present in an amount of approximately 8%, and a water soluble flavoring (typically a lemon flavoring) present in an amount of approximately 1.5%.
3. The Declaration of Oliver B. Cooperman, M.D., executed March 29, 2007, and filed June 11, 2007, in connection with the present application, refers to two Nordic Naturals, Inc. products known as ProEPA and ProOmega. These products are formulations of highly concentrated fish oil encapsulated in capsules that contain gelatin, capsule softener present in an amount of approximately 32%, water present in

an amount of approximately 8%, and a water soluble flavoring (a lemon flavoring) present in an amount of approximately 1.5%.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: January 16, 2009

  
\_\_\_\_\_  
Joar Opheim.